

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JUNA HEWITT and KRISTEN THOMAS,
on behalf of themselves and all others
similarly situated,

Case No. 1:20-cv-02007-MKB-SJB

Plaintiffs,

v.

PRATT INSTITUTE,

Defendant.

DEFENDANT PRATT INSTITUTE'S
NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Pratt Institute respectfully submits this notice of supplemental authority to invite the Court's consideration of an order in *In re Columbia Tuition Refund Action*, No. 20-CV-3208, and *Marbury v. Pace University*, No. 20-CV-3210 (S.D.N.Y. Feb. 26, 2021) ("Order"). A true and correct copy of this order is attached as Exhibit 1.

In this order, Judge Jesse M. Furman of the United States District Court for the Southern District of New York granted in part and denied in part Columbia University's and Pace University's motions to dismiss complaints related to the universities' transitions to remote learning in response to COVID-19. The court dismissed the plaintiffs' contract claims (except those relating to fees and one claim relating to tuition) because the plaintiffs had failed to allege a specific promise to provide in-person instruction. The court also dismissed claims for unjust enrichment, conversion, and unfair and deceptive trade practices in their entirety.

This decision is materially similar to other recent decisions by federal district courts in New York, California, and Illinois, that have dismissed contract and unjust enrichment claims such as those asserted here. *See, e.g., Lindner v. Occidental Coll.*, No. 20-CV-8481-JFW (RAO), 2020

WL 7350212 (C.D. Cal. Dec. 11, 2020); *Hassan v. Fordham Univ.*, No. 20-CV-3265 (KMW), 2021 WL 293255 (S.D.N.Y. Jan. 28, 2021); *Gociman v. Loyola Univ. of Chi.*, No. 20 C 3116, 2021 WL 243573 (N.D. Ill. Jan. 25, 2021); *Oyoque v. DePaul University*, No. 20 C 3431 (N.D. Ill. Feb. 21, 2021).

DATED: March 3, 2021

Respectfully submitted,

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Kathleen Sullivan

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CERTIFICATE OF SERVICE

I, Kathleen M. Sullivan, hereby certify that on March 3, 2021, I electronically filed the foregoing document using the Court's CM/ECF system, which will send a notice of electronic filing to all persons registered for ECF.

/s/ Kathleen M. Sullivan